IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 2259 of 2007()

(CRIME NO.144/2007 OF PERAMBRA POLICE STATION)

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APPLICANT/ACCUSED:

C.K.BABU,SON OF C.K.ACHUTHAN,
CHIRUTHAKUNNUMMEL HOUSE,PERAMBRA P.O,
CALICUT-673 525.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENT:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2259/2007

Dated this 13th day of April, 2007

O R D E R

The petitioner, who is the accused in Crime No.144/2007 of Perambra police station for offences punishable under Sections 376 and 417 IPC, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the 24 year old victim who is a divorcee had spent for about six months with the petitioner, a business man, from October, 2006 and had had sexual intercourse with him after promising to marry her and he subsequently resiled from the promise.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation and potency test and then to have his application for bail considered by the Magistrate having jurisdiction.

5. Accordingly, the petitioner shall surrender before the investigating officer on any day between 19-4-2007 and 21-04-2007 for the purpose of interrogation and potency test. The petitioner shall thereafter be produced on the same day before the Magistrate who shall release the petitioner on bail on appropriate conditions.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs